

REMARKS/ARGUMENTS

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office Action, and amended as necessary to more clearly and particularly describe the subject matter that Applicant regards as the invention.

Claims 8-10 were rejected under 35 U.S.C. 101. The Examiner asserts that claims 8-10 are "directed to a computer program per se" and, therefore, directed to non-statutory subject matter. Claim 8 has been amended and recites, "a terminal device including...an application stored in the terminal device." Claim 8 includes limitations directed to structure, i.e., "the terminal device," in which the claimed application is embodied. Therefore, claim 8 and dependent claims 9 and 10 are directed to statutory subject matter and the rejections under 35 U.S.C. 101 should be withdrawn.

Claims 1-11 were rejected under 35 U.S.C. 112, second paragraph as being indefinite for reciting a "secure device" and an "application running means." The Examiner asserts that the limitations are "vague and broad." The Examiner is reminded that breadth is not indefiniteness. See MPEP § 2173.04. Further, there is nothing vague about the terms "secure device" and "application running means." The claim terms are used repeatedly in the detailed description section of the application and are identified in the figures by character references 10 and 33, respectively. The components of the terms have well recognized meanings, "which allow the reader to infer the meaning of the entire phrase with reasonable confidence." See MPEP 2173.02. Applicant submits that the terms "secure device" and "application running means" are not "insolubly ambiguous without a discernable meaning after all reasonable attempts at construction" (see MPEP § 2173.02) and, therefore, meet the requirements of 35 U.S.C. 112,

second paragraph. Applicant respectfully requests that the rejections under 35 U.S.C. 112 be withdrawn.

Claims 1 and 11 were rejected under 35 U.S.C. 102(b) as being anticipated by Deo. Claims 1 and 11 recite, “a terminal device having no secure information concealing area.” The terminal of claim 1 lacks a secure information concealing area. Deo’s terminal has a private key for decrypting messages. See, e.g., 7:38-40. The private key is kept secret by the terminal (6:39-40). Deo’s private key is secure information and would be stored in a secure information concealing area. Deo does not teach or suggest a terminal device having *no secure information concealing area*, as required by claims 1 and 11. Accordingly, claims 1 and 11 are allowable over Deo.

Further, claim 11 recites, “wherein said terminal device includes 1) applications, and 2) application running means...wherein said secure device authenticates an application stored in the terminal device in order to permit access to said secure device, if the application is authenticated by application running means authenticated by said secure device.” The terminal device includes the application and application running means, and the application running means authenticates the application. The secure device authenticates the application running means. The secure device also authenticates the application *if* the application is authenticated by the application running means. Deo does not teach or suggest such limitations. Deo teaches that a terminal authenticates a smart card’s application, and that the smart card authenticates the terminal’s application (9:1-20). Deo does not teach or suggest that a terminal’s application running means authenticates the terminal’s application, and that a secure device authenticates the terminal’s application *if* the application is authenticated by the application running means. Therefore, Deo fails to teach or suggest all of the limitations of claim 11, and claim 11 is allowable over Deo.

Claims 2-10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Deo in view of Wentker.

Claims 2-6 depend from allowable claim 1 and, therefore, are also allowable. Further, claim 2 recites, "wherein the secure device verifies the electronic signature by using the presented digest data." The Examiner cites the DAP in Wentker for teaching the digest data of claim 2, and cites column 15, lines 61-67 for teaching the noted limitations. Wentker teaches that "the smart card uses the issuer's public key to verify the DAP" (15:66-67). Assuming, *arguendo*, that the DAP is digest data, Wentker *would verify digest data* using a public key, and *would not verify an electronic signature using digest data* as required by claim 2.

Claim 5 recites, "wherein the application running means verifies an electronic signature of the application to which the electronic signature is attached to authenticate the application." *The terminal device includes the application running means and the application* (see claim 1). The Examiner cites Deo's smart card for teaching the claimed secure device, and cites Deo at 10:4-7 ("the smart card and the terminal authenticate each other") for teaching the above-noted limitations of claim 5. Assuming, *arguendo*, that the smart card is a "secure device," Deo at 10:4-7 teaches authentication of the terminal by the secure device and authentication of the secure device by the terminal. Deo at 10:4-7 does not teach or suggest that a terminal's application running means authenticates *the terminal's* application. Further, Deo teaches that a terminal authenticates a smart card's application, and that the smart card authenticates the terminal's application (9:1-20), which again does not teach or suggest that a terminal's application running means authenticates *the terminal's* application. Applicant submits that the above-noted limitations of claim 5 are not taught or suggested by the cited combination of references. For at least this reason, claim 5 is allowable over Deo in view of Wentker.

Claims 7 and 8 recite, "wherein the terminal device has no secure information concealing area." Neither Deo nor Wentker teach or suggest a terminal device having no secure information concealing area. Accordingly, claims 7 and 8 are allowable over the cited combination of references.

Further, claim 8 requires a terminal device including an application running means and an application stored in the terminal device, wherein the application running means authenticates said application. Applicant submits that the cited combination of references fails to teach or suggest a terminal device having an application running means that authenticates the terminal's application. For at least this reason, claim 8 is allowable over Deo in view of Wentker. Claims 9 and 10 depend from claim 8 and, therefore, are also allowable over Deo in view of Wentker.

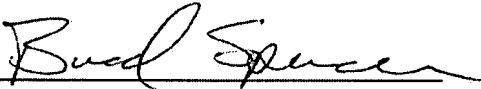
New claims 12 and 13 have been added. Claim 12 recites, "a Basic Input Output System (BIOS) verifying and invoking said OS." Claim 13 recites, "verifying and invoking an Operating System (OS) by the BIOS." The prior art of record does not teach the noted limitations.

In light of the foregoing, it is respectfully submitted that the present application is in condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

Appln. No. 10/788,523
Amendment dated September 12, 2007
Reply to Office Action dated June 12, 2007

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. NGB-36483.

Respectfully submitted,
PEARNE & GORDON, LLP

By: 
Brad C. Spencer, Reg. No. 57076

1801 East 9th Street
Suite 1200
Cleveland, Ohio 44114-3108
(216) 579-1700
Date: September 12, 2007